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PATENT APPLICATION FEE DETERMINATION RECORD

Substitute for Form PTO-875

Application or Docket Number:

101672060

CLAIMS AS FILED - PART I

	(Column 1)	(Column 2)
FOR	NUMBER FILED	NUMBER EXTRA
BASIC FEE (37 CFR 1.16(a))		
TOTAL CLAIMS (37 CFR 1.16(c))	13	minus 20 = -
INDEPENDENT CLAIMS (37 CFR 1.16(b))	4	minus 3 = 1
MULTIPLE DEPENDENT CLAIM PRESENT (37 CFR 1.16(d))		

SMALL ENTITY	
RATE	FEE
	\$385
x \$ =	
x \$43 =	43
+ \$ =	
TOTAL	428

OTHER THAN SMALL ENTITY	
RATE	FEE
	\$
x \$ =	
x \$ =	
+ \$ =	
TOTAL	

* If the difference in column 1 is less than zero, enter "0" in column 2.

CLAIMS AS AMENDED - PART II

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT A	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))	128	minus 20	108
Independent (37 CFR 1.16(b))	5	minus 4	1
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d)) X			

SMALL ENTITY	
RATE	ADDITIONAL FEE
x \$25 =	2700
x \$100 =	100
+ \$180 =	180
TOTAL ADD'L FEE	2980

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x \$ =	
x \$ =	
+ \$ =	
TOTAL ADD'L FEE	

142 (14) (37) (38) (39) (40) 141

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT B	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))		Minus	
Independent (37 CFR 1.16(b))		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

SMALL ENTITY	
RATE	ADDITIONAL FEE
x \$ =	
x \$ =	
+ \$ =	
TOTAL ADD'L FEE	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x \$ =	
x \$ =	
+ \$ =	
TOTAL ADD'L FEE	

	(Column 1)	(Column 2)	(Column 3)
AMENDMENT C	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NUMBER PREVIOUSLY PAID FOR	PRESENT EXTRA
Total (37 CFR 1.16(c))		Minus	
Independent (37 CFR 1.16(b))		Minus	
FIRST PRESENTATION OF MULTIPLE DEPENDENT CLAIM (37 CFR 1.16(d))			

SMALL ENTITY	
RATE	ADDITIONAL FEE
x \$ =	
x \$ =	
+ \$ =	
TOTAL ADD'L FEE	

OTHER THAN SMALL ENTITY	
RATE	ADDITIONAL FEE
x \$ =	
x \$ =	
+ \$ =	
TOTAL ADD'L FEE	

- * If the entry in column 1 is less than the entry in column 2, write "0" in column 3.
- ** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, enter "20"
- *** If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, enter "3"

The "Highest Number Previously Paid For" (Total or Independent) is the highest number found in the appropriate box in column 1

This collection of information is required by 37 CFR 1.16. The information is required to obtain or retain a benefit for the public which is not provided by the USPTO to process an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.12. This collection of information may be used for other purposes including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2

JUN 27 2005

BEFORE THE UNITED STATES PATENTS AND TRADEMARKS OFFICE

Inventor: Stephen Fitzgerald et al
Serial No: 10/672,060
Filed: 29 September 2003
Title: TUBULAR BASEBALL BATS WITH VARIABLE BARRELS
Confirm. No.: 4727
Art Unit: 3711
Our File: CECOM-04.US (2043-3-04-10)

June 27, 2005

By fax only 1-703-872-9306

Mail Stop Amendment
The Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Response to Office Action

This letter is in response to the examiner's office action of February 4, 2005. A petition for a two-month extension of time within which to reply to the office action accompanies this Response.

Amendments

In the Claims

Please amend the claims as set forth in Schedule A hereto. Please charge any required additional claims fees to deposit account number 503035 in the name the Milton Geller LLP. If insufficient funds are available in that account, please charge the additional required fees to deposit account number 501669 in the name of David J. French.

In the Disclosure

Please amend the disclosure as set forth in Schedule B hereto.

In the Abstract

Please amend the Abstract as set forth in Schedule C hereto.

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PAGE 3/24: RCVD AT 6/27/2005 3:30:07 PM [Eastern Daylight Time] * SVR:USPTO-EFAX-1/5 * DNS:8729306 * CSID:6136674689 * DURATION (mm-ss):10-38

VS F012202 2700.00 DR
02 F012202 100.00 DR
03 F012203 100.00 DR

2202 - (108) \$2700
2201 - (1) \$100
2203 - (1) \$180

JUN 27 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: FITZGERALD, Stephen et al
Serial No: 10/672/060
Title: TUBULAR BASEBALL BATS WITH VARIABLE BARRELS
Examiner: MARK S. GRAHAM
Art Unit: 3711
Confirmation No. 4727

JUNE 27, 2005

By Fax Only: 1-703-872-9306

Commissioner for Patents
P.O. Box 1450
Alexandria, VA
22313-1450

Dear Sir:

PETITION FOR EXTENSION OF TIME
- 37 C.F.R. 1,136(a) -

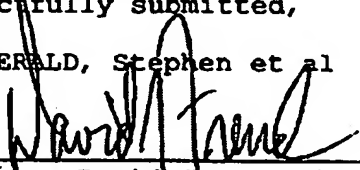
The applicant hereby formally requests, pursuant to CFR Title 37, Section 1.136, an extension of time of two months beyond the period set by the Examiner's Office Action to permit the filing of this response. Please deduct the requisite fee of \$225.00 (for a small entity) from our Deposit Account 503035. Any fee deficiencies may be deducted from our Deposit Account 503035.

06/29/2005 SFELEKE1 00000082 503035 10672060
01 FC:2252 225.00 DA

Respectfully submitted,

FITZGERALD, Stephen et al

per


David J. French
Reg. No. 31229

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